

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Criminal No. 99-11249 M

FRANKLIN SUAREZ-MORALES,

Defendant.

**MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION**


Proposed Findings

This matter comes before the Court upon the United States' Motion for an Order to Show Cause and Forfeiture of Appearance Bond, filed March 1, 2000. Having held a hearing on this matter on March 24, 2000, I hereby make the following findings:

1. On December 27, 1999, the Defendant and Juan Gomez, Jr. and Johnny Gomez Bail Bonds, sureties, executed an appearance bond in the amount of \$5,000.00.
2. The Court set a change of plea hearing on for February 29, 2000, and noticed the Defendant of that hearing date.
3. The Defendant failed to appear in Court for the scheduled change of plea hearing.
4. The Court noticed Defendant, Juan Gomez, Jr. and Johnny Gomez Bail Bonds, sureties, that the Court set a bond forfeiture hearing for March 24, 2000.
5. The Defendant was not present at the March 24, 2000 bond forfeiture hearing.
6. Juan Gomez, Jr., surety, appeared for the March 24, 2000 bond forfeiture hearing.
7. Juan Gomez, Jr, surety, expressed no valid defense to the forfeiture of the bond.

Recommended Disposition

Pursuant to Federal Rule of Criminal Procedure 46(e), I recommend a declaration of bond forfeiture against Juan Gomez, Jr. and Johnny Gomez Bail Bonds, sureties. I further recommend that judgment be entered against the Defendant and Juan Gomez, Jr. and Johnny Gomez Bail Bonds, sureties, in the principal amount of \$5,000.00, together with United States District Clerk Docketing fees in the amount of \$150.00 as provided by 28 U.S.C. §§2412(a)(2) and 1914(a), interest at the legal rate compounded annually and computed daily until paid, attorney's fees in the amount of \$500.00, and costs as allowed by law. Timely objections to the foregoing may be made pursuant to 28 U.S.C. §636(b)(1)(C). Within ten days after a party is served with a copy of these proposed findings and recommendations that party may, pursuant to §636(b)(1)(C), file written objections to such proposed findings and recommendations. A party must file any objections within the ten day period allowed if that party wants to have appellate review of the proposed findings and recommendations. If no objections are filed, no appellate review will be allowed.



LESLIE C. SMITH
UNITED STATES MAGISTRATE JUDGE